

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ANNABEL,

Plaintiff,

v.

JACK FROST, ET AL.,

Defendants.

Case No. 14-10244

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

MAGISTRATE JUDGE
R. STEVEN WHALEN

**ORDER ADOPTING REPORT AND RECOMMENDATION [38],
DENYING AS MOOT DEFENDANTS' FIRST MOTION FOR SUMMARY
JUDGMENT [15], AND GRANTING DEFENDANTS' SECOND MOTION
FOR SUMMARY JUDGMENT [28]**

On February 17, 2015, the Magistrate Judge issued a Report and Recommendation ("R&R") [38] recommending that Defendants' first Motion for Summary Judgment [15] be denied as moot because Plaintiff obtained leave of court to file an Amended Complaint [18] after Defendants' filed the Motion [15]. The R&R [38] also recommended that Defendants' second Motion for Summary Judgment [28] be granted. No objection to the R&R [38] was filed.

The Court has reviewed the record in this case. The R&R [38] of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court. Accordingly,

Accordingly,

IT IS ORDERED that Defendants' first Motion for Summary Judgment [15] is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendants' second Motion for Summary Judgment [28] is **GRANTED**.

THIS CASE IS CLOSED.

SO ORDERED.

Dated: March 30, 2015

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge